

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
August 14, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Jack McCool, Mayor Pro Tem
Zelda Auslander, Council Member
Bob Dorsett, Jr., Council Member (arrived at 6:02 p.m.)
Bill Goodwin, Council Member

Absent:

Steve Braasch, Council Member

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Lindsey Withrow, Director of Community Services
Amy Kelley, Systems Administrator
Russell Pancoast, Chief of Police
Giancarlo Patino, Engineer Associate
Barbara Hathaway, Library Director
Brooke Winburn, Administrative Associate

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, August 14, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any citizen comments at this time.

Introduction of new Director of Finance Katherine Griffin.

City Administrator Frank Salvato introduced the new Director of Finance.

Consider approval of minutes of the Regular meeting conducted on July 24, 2012.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to approve the minutes of the Regular meeting conducted on July 24, 2012.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander and Goodwin
Voting Nay:	None
Absent:	Council Member Braasch
Abstain:	Council Member Dorsett

The motion carried.

Discuss and consider action on a development plat for Kwik Lube Center located at 13719 W State Highway 71.

Director of Community Services Lindsay Withrow presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the development plat for Kwik Lube Center.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Dorsett and Goodwin
Voting Nay:	Council Member Auslander
Absent:	Council Member Braasch

The motion carried 3-1.

Discuss and consider action on a site and NPS plan for Kwik Lube Center located at 13719 W State Highway 71.

City Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the site and NPS plan and letter of credit for Kwik Lube Center.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Dorsett and Goodwin
Voting Nay:	Council Member Auslander

Absent: Council Member Braasch

The motion carried 3-1.

Public hearing, discussion and possible action on Ordinance No. 118, an ordinance relating to the application request by Hill Country Galleria to change the development standards of the Galleria Planned Development District – Town Center related to 1) location of water quality and detention ponds, including impervious cover calculations 2) land use restrictions, and 3) miscellaneous including but not limited to building heights.

Mayor Murphy called the public hearing to order at 6:10 p.m.

Ms. Withrow presented this item.

Adrian Overstreet, Asset Manager for the Hill Country Galleria, spoke on his requested changes. He stated that he would like to extend the hike and bike trail from his property to RR620. The cost is \$38,000 and he would be willing to contribute \$19,000.

Carroll Killebrew, 5410 Great Divide, stated that he opposed any changes to the commercial spaces. He said that he was not interested in being in alignment with other cities in calculating impervious cover and that he would like to keep the same ambiance currently in Bee Cave.

Mayor Murphy closed the public hearing at 6:25 p.m.

The City Council asked numerous questions about the water quality and amenity ponds regarding impervious cover.

The City trail system will be considered under a separate agenda item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve Ordinance No. 118 with the following amendments to Exhibit B as follows: 2(a) water quality amenity ponds that are lined with impermeable liner will be considered as neutral and not count toward impervious cover 4b) to add 1000 square feet, cumulative, may be administratively approved with the new impervious cover table being updated at the time of site plan amendment application; 4(c) minor changes to building facades (taking out store fronts) may be administratively approved so long as such changes meet or exceed compliance with City architectural Code requirements; 4(d) for new office construction and hotel only may have a maximum height of 60 feet. Also adding a Whereas in the ordinance to add language regarding this development in Town Center and density.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Dorsett
Voting Nay: Council Member Goodwin
Absent: Council Member Braasch

The motion carried 3-1.

Public hearing, discussion and possible action on Ordinance No. 119, an ordinance regarding requirement for letters from Utility providers before accepting submittals (site, NPS, plats), except for concept plan and minor amendment to allow City Administrator to relocate water quality easements. This includes amendments to the following:

Amendment to Chapter 32 (Zoning), Section 32.02.006 Concept Plan and Site Plan Review Process

Amendment to Chapter 30 (Subdivisions), Section 30.02.003 Preliminary Plat

Amendment to Chapter 20 (Utilities), Section 20.04.101 Summary of Review and Approval Processes.

Mayor Murphy opened the public hearing at 7:36 p.m.

Mr. Salvato stated that this item was requested by the West Travis County Public Utility Agency for the City to clarify our ordinances that require any developer wanting to do a development to come to the PUA and utility providers first and receive letters prior to site, NPS and plat approval by the Council.

This ordinance would also be amended to allow administrative approval of the transfer water quality easements on homeowner's property.

John Halliburton, 2000 McKinney Avenue, Dallas, Texas, stated that he was representing Texas Capital Bank. He stated that this requirement would have significant impact on their property values. He asked that City developments receive more attention than developments outside the City.

Mr. Overstreet commented that a letter would be essential when a building permit was needed. If you have to buy the Living Unit Equivalents (LUEs) before you can ever get a site plan approved, the building will never get built.

Tim Skaggs, 13618 Highway 71, agreed that the impact fees are too high. He stated that he would have to spend \$2 million dollars to purchase LUEs for his property development. He also agreed that his development should be given first consideration.

Josh McCay, 11715 Bee Cave Road, encouraged the Council to not approve the ordinance because it will directly affect the City's tax base. The impact fee calculations are inaccurate.

Mayor Murphy closed the public hearing at 7:50 p.m.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Goodwin, to approve Ordinance No. 119 with amendments to the redline version as follows; under Section 32.02.006 (k)(5), Subsection A-administrative approval for streetscape items up to 1000 feet; renumbering the section and adding architectural standards for administrative approval; add a provision that addresses retaining walls; and striking the last sentence of h.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Goodwin
Voting Nay: None
Absent: Council Member Braasch
Abstain: Council Member Dorsett

The motion carried.

Discuss and consider action on quotes received for employee health insurance and benefits for fiscal year 2012-2013.

Jeff Kloc, Benefits Broker with Gallagher, presented this item.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Dorsett, to approve TML for medical and dental, change to VSP Plan C for vision and change to Mutual of Omaha for term life insurance.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

The City Council recessed the regular session at 8:49 p.m. and reconvened at 8:59 p.m.

Discuss and consider action on a sign variance request for Barre3, located at 13412 Galleria Circle #100.

Ms. Withrow presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to approve the sign variance for Barre3 and to waive the fee for the variance request.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

Discuss and consider action on a temporary special event permit for BB&T Bank, located at 12301 Bee Cave Parkway.

Ms. Withrow presented this item.

Vanessa Current, Branch Manager for BB& T was present at the meeting and introduced herself.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve the temporary special event permit for BB&T Bank

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay:	None
Absent:	Council Member Braasch

The motion carried.

Discuss and consider action regarding Hill Country Indoor, located next to The Backyard on Bee Cave Parkway at Lot 1, Block A of the Skaggs Tract including:
Preliminary Plat
Amendment to Agreement with Skaggs for construction of certain improvements.

City Attorney Patty Akers explained the changes to the agreement.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve the Fourth Amendment to the Agreement with Skaggs for construction of certain improvements to change the date of completion from August 15th to October 15th and to allow the recording of the document with the posting of fiscal security.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay:	None
Absent:	Council Member Braasch

The motion carried.

Note: The above motion was re-considered at the end of the meeting.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve the preliminary plat for Hill Country Indoor.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

Discuss and consider action regarding Variance request to Section 20.04.045 and approval of the Site and NPS pollution control plan for the Hill Country Golf and Guitar, located at 15606 W Highway 71 in the City of Bee Cave Extraterritorial Jurisdiction.

Mr. Salvato stated that the Staff has not received the letter of credit which is required prior to approval of the site and NPS plan.

Joseph Isajia, Engineer with Bury and Partners, spoke on this item.

Rich Phillips, 2504 Lake Hurst Road, stated that he was the owner of Hill Country Golf and Guitar. He stated that they could have the letter of credit in 14 days. He also commented on the hours of operation.

Patrick Flores, 4505 Pyreness Pass, stated that he liked the project.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem McCool, to approve the site and NPS plan along with the variance to the water quality buffer zone and the lighting subject to approval of a letter of credit in two weeks.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

Discuss and consider action on a site plan amendment for Anchor 2A/2B in the Hill Country Galleria regarding elevations for Madam Mam's, located at 3929 Market Street P-100.

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to approve the site plan amendment for Anchor 2A/2B regarding elevations for Madam Mam's.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

Discuss and consider action on a site plan amendment for Hill Country Galleria, Lot 14, Block A, located at 3821 Market Street on Dick's parking lot (new pad site).

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Goodwin, to approve the site plan amendment for Lot 14, Block A, with the new elevations as presented.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

Discuss and consider action on miscellaneous site plan amendments in the Hill Country Galleria located at 12600 Highway 71 West for façade revision to Suite C1-130 (old Hollister) and rear elevation change to Lot 25 pad site (Mattress Firm).

Mr. Patino presented this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to approve the site plan amendments for the Hill Country Galleria for façade revisions to Suite C1-130 with the addition of the wood and rear elevation change to Lot 25.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None

Absent: Council Member Braasch

The motion carried.

Discuss and consider action on a site plan amendment in the Hill Country Galleria, Lot 19, Block A, for parking lot located at 13501 Galleria Circle.

Council Member Goodwin stepped away from the dias at 9:45 p.m.

Mr. Overstreet spoke on this item.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to approve the site plan amendment for Lot 19, Block A, for parking lot.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Dorsett
Voting Nay: None
Absent: Council Members Braasch and Goodwin

The motion carried.

Council Member Goodwin took his seat at the dias at 9:46 p.m.

Discuss and consider action on requests from Departments (IT, Police, Community Services, Library and Administration) for additional expenditures and capital outlay during Fiscal Year 2011-12.

Mr. Salvato and members of Staff presented this item.

MOTION: A motion was made by Goodwin, seconded by Mayor Pro Tem McCool, to approve the additional expenditures of \$190,327 in this fiscal year.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

Discussion on a preliminary budget for Fiscal Year 2012-2013.

Mr. Salvato reported on the proposed budgets for FY 2012-13.

The City Council agreed that the sales tax should be set at \$6,500,000 for FY 12-13.

The public hearing for the above item is scheduled for September 11th.

Executive Session

The City Council closed the Open Session at 10:28 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.

The City Council closed the Executive Session at 10:52 p.m. and reconvened in Regular Session in the Council Chambers.

Reopen - Discuss and consider action regarding Hill Country Indoor, located next to The Backyard on Bee Cave Parkway at Lot 1, Block A of the Skaggs Tract including: Amendment to Agreement with Skaggs for construction of certain improvements.

City Attorney Patty Akers stated that the language in the agreement regarding the provision for posting prior to recording only applies to the easements that the City owns so the Council does not need to make that amendment.

Re-Consider MOTION: A motion was made by Dorsett, seconded by Council Member Goodwin, to amend the agreement to change the date of completion to October 15th from August 15th.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay:	None
Absent:	Council Member Braasch

The motion carried.

Adjournment

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Dorsett and Goodwin
Voting Nay: None
Absent: Council Member Braasch

The motion carried.

The City Council adjourned the meeting at 10:55 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary